

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

RONALD LEMA KUPSKY,

Plaintiff,

v.

Case No. 19-CV-265

LAURA BONIS, *et al.*,

Defendants.

ORDER

Plaintiff Ronald Lema Kupsky, who is representing himself, is proceeding on claims under 42 U.S.C. § 1983. On February 18, 2020, he filed a motion to compel discovery. He asserts that he served a “discovery demand,” which appears to be a request to produce documents, on the defendants on October 23, 2019. According to Kupsky, the defendants have “sent nothing and are now refusing to provide discovery.” (ECF No. 30.)

Civil Local Rule 37 requires that all motions to compel include “a written certification by the movant that, after the movant in good faith has conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action, the parties are unable to reach an accord.” In other words, before filing a motion to compel, a party needs to first discuss its dispute with the opposing party’s lawyer before asking the court to get involved. And, if the parties cannot work out the dispute and a party files a motion to compel,

that party must include in his motion proof that he first tried to work the dispute out with the opposing party's lawyer.

Because Kupsky has not complied with Local Rule 37, the court will deny his motion without prejudice. Parties are often able to resolve their disputes without the court's help. Informal resolution without the court's involvement saves both the court and the parties time and resources. Kupsky should contact defense counsel (preferably by letter) to get a better understanding of why the defendants did not respond to his requests. A brief discussion may easily resolve whatever issues exist and save everyone the time and effort of briefing a motion. The court encourages the parties to be flexible and to work with one another in good faith. If the parties cannot reach an agreement and Kupsky decides to re-file the motion to compel, he should be sure to comply with Civil Local Rule 37.

THEREFORE, IT IS ORDERED that Kupsky's motion to compel (ECF No. 30) is **DENIED without prejudice**.

Dated at Milwaukee, Wisconsin this 20th day of February, 2020.


WILLIAM E. DUFFIN
U.S. Magistrate Judge